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## 1 States Government

Department of Energy

Rocky Flats Office

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# Memorandum

OCT 09 1991

ERD:SG:8330

## EPA/CDH Denial of OU2 Walnut Creek Schedule Milestone

J.M. Kersh, Associate General Manager  
Environmental Restoration and Waste Management  
EG&G Rocky Flats, Inc.

In a September 26, 1991 letter (attached) from EPA and CDH, our request for schedule extension for installation and startup of the second phase of the OU2 Walnut Creek Basin Interim Measures/Interim Remedial Action (IM/IRA) Field Treatability System (FTU) was denied. The requested extension was from September 30 and October 30, 1991 to September 24 and September 25, 1992 for installation and startup of the FTU, respectively.

We are considering invoking dispute resolution per Part 16 of the Interagency Agreement. You and your staff will need to provide background information as to the actual delays and their causes resulting in the need to ask for a schedule extension.

We have identified the following background correspondence you should be prepared to discuss in support of dispute resolution:

- (1) February 28, 1991 letter from EPA/CDH granting the first extension of the start up of the carbon units where they state:

"...While EPA and CDH are approving the new dates as requested: we do so with the expectation that no further delays will be encountered, and on the condition that these extensions will not affect any other IAG schedule..."

- (2) April 11, 1991 letter from EPA/CDH granting the second extension of the start up of the carbon units, where they state:

"...This extension is granted on the condition the it does not impact or constitute good cause to extend any other timetable, deadline, or schedule..."

- (3) April 19, 1991 memo from DOE (ERD:SG:2954) to EG&G where we state:

"...The schedule for the entire system, including the chemical treatment/cross flow filtration, is October 30, 1991. IAG milestones also include a Draft and Final Treatability Test Report, scheduled April 2, and June 2, 1992, respectively.

| ACTION          |  | LTR |  | FNC |  |
|-----------------|--|-----|--|-----|--|
| DIST.           |  |     |  |     |  |
| NJAMIN, A.      |  |     |  |     |  |
| ETZKE, J.C.     |  |     |  |     |  |
| IRLINGAME, A.H. |  |     |  |     |  |
| OPP, R.D.       |  |     |  |     |  |
| OUCHER, D.W.    |  |     |  |     |  |
| VIS, J.G.       |  |     |  |     |  |
| ERED, J.E.      |  |     |  |     |  |
| RRERA, D.W.     |  |     |  |     |  |
| RRIS, L.P.      |  |     |  |     |  |
| AIKOR, F.J.     |  |     |  |     |  |
| CANCIS, G.E.    |  |     |  |     |  |
| ODWIN, R.       |  |     |  |     |  |
| NNI, B.J.       |  |     |  |     |  |
| ALY, T.J.       |  |     |  |     |  |
| EKER, E.H.      |  |     |  |     |  |
| NS, J. P.       |  |     |  |     |  |
| RS, J.M.        |  |     |  |     |  |
| RY, W.A.        |  |     |  |     |  |
| RIEG, D.        |  |     |  |     |  |
| JESTER, A.W.    |  |     |  |     |  |
| E, E.M.         |  |     |  |     |  |
| JESTIC, J.R.    |  |     |  |     |  |
| ARX, G.E.       |  |     |  |     |  |
| THEWS, T.A.     |  |     |  |     |  |
| URENS, B.E.     |  |     |  |     |  |
| ORGAN, R.V.     |  |     |  |     |  |
| ZUTO, V.M.      |  |     |  |     |  |
| OTTER, G.L.     |  |     |  |     |  |
| FFELL, B.F.     |  |     |  |     |  |
| NDLIN, N.B.     |  |     |  |     |  |
| VANSON, E.R.    |  |     |  |     |  |
| F, W.S.         |  |     |  |     |  |
| IL, DON, R.B.   |  |     |  |     |  |
| ILSON, J.M.     |  |     |  |     |  |
| XUNG, E.R.      |  |     |  |     |  |
| NE, J.O.        |  |     |  |     |  |

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## ADMIN RECORD

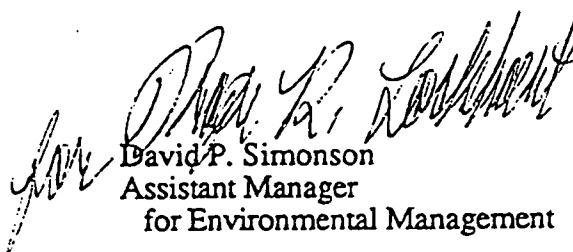
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Because of the various delays in the schedule to date on the OU2 IM/TRAP, it is imperative that all actions necessary, be taken in order to meet the remaining Interagency Agreement schedules..."

You should identify other pertinent information that should be used in support of the dispute resolution process. This should include all procurement information to substantiate the delay. It should be clear that the DOE will need the most complete information possible to strengthen our position and hopefully resolve the dispute in our favor.

Please provide your expectation of a date when the requested material can be made available, with the understanding that our initial dispute response must be submitted by October 11, 1991.

Should you have any questions, please direct them to Scott Grace of my staff at extension 7199.

  
David P. Simonson  
Assistant Manager  
for Environmental Management

cc:

A. Rampertaap, EM-453  
M. Bishop, DOE/RFO  
G. Fess, DOE/RFO  
E. Evered, EG&G/RF  
P. Bunge, EG&G/RF  
T. Greengard, EG&G/RF  
G. Anderson, EG&G/RF